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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

MARISA NICOLE SIVESIND,

Defendant and Appellant.

F077774

(Super. Ct. No. BF168260A)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kern County. Colette M. Humphrey, Judge.

James E. Jones, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Peña, Acting P.J., Smith, J., and Snauffer, J.

STATEMENT OF THE CASE

On June 21, 2017, the Kern County District Attorney filed a two count felony information against appellant Marisa Nicole Sivesind alleging she committed the crimes of burglary of an inhabited dwelling (Pen. Code, § 460, subd. (a));¹ count 1) and grand theft (§ 487, subd. (a); count 2). As to count one, it was further alleged that the offense is a serious felony (§ 1192.7, subd. (c)(18)), and that Sivesind was not eligible for imprisonment in the county jail (§§ 1170, subd. (h)(3), 1170, subd. (f)). On July 6, 2017, Sivesind was arraigned on the information, entered not guilty pleas, and denied all allegations.

Following three failures to appear at trial on March 12, 2018,² March 23 and March 26, Sivesind finally appeared on June 6 and entered a no contest plea to count one, with a dismissal of count two. The parties stipulated to a factual basis. Sivesind was then sentenced to a stipulated prison term of four years, concurrent with her other prison sentence in case No. BF170771A, with credit for time served of 53 days actual, 52 days conduct credit, for a total of 105 days. She was also ordered to pay a conviction assessment fee of \$30 (Gov. Code, § 70373), a court operations assessment of \$40 (§ 1465.8), a restitution fine of \$300 (§ 1202.4), with an additional \$300 fine suspended pending successful completion of parole (§ 1202.45).

On June 19, Sivesind filed a timely notice of appeal, and requested a certificate of probable cause. The request for certificate of probable cause was granted on July 11.

STATEMENT OF FACTS

On November 9, 2016, Sivesind entered a residence with the intent to commit a theft, and then stole a television, laptop computer, and other property.

¹ Undesignated statutory references are to the Penal Code.

² All references to dates are to dates in 2018 unless otherwise noted.

STATEMENT OF APPELLATE JURISDICTION

The judgment from which Sivesind appeals is final (Cal. Rules of Court, rule 8.204(a)(2)(B), and is appealable pursuant to section 1237, subdivision (a).

APPELLATE COURT REVIEW

Sivesind's appointed appellate counsel has filed an opening brief that summarizes the pertinent facts, raises no issues, and requests this court to review the record independently. (*People v. Wende* (1979) 25 Cal.3d 436.) The opening brief also includes the declaration of appellate counsel indicating that Sivesind was advised she could file her own brief with this court. By letter on November 27, we invited Sivesind to submit additional briefing. To date, she has not done so.

After independent review of the record, we have concluded there are no reasonably arguable legal or factual issues.

DISPOSITION

The judgment is affirmed.